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8 *Attorneys for Brandon and Kimberlee Hollis*

9 UNITED STATES BANKRUPTCY COURT

10 DISTRICT OF NEVADA

11 In re:

12 BRANDON AND KIMBERLEE HOLLIS,

13 Debtors.

Chapter 13

Case No: 09-27787

Hearing Date: December 3, 2009

Hearing Time: 2:30 pm

Location: Foley Federal Building
Courtroom No. 3

14 **MOTION TO VALUE COLLATERAL AND STRIP OFF JUNIOR LIEN**
15 **(Pursuant to subsections (a) and (d) of 11 U.S.C. § 506,**
16 **Federal Rule of Bankruptcy Procedure 3012)**

17 **NOTICE IS HEREBY GIVEN** that Debtor requests the court to value the property described
18 below. This property secures the claim of the creditor named below. Debtor also requests that the
19 amount of the creditor's secured claim not exceed the value of its security, less the claims of creditors
20 holding senior liens or security interests. This determination will supercede any greater secured claim
21 demanded in a proof of claim. Any objections to the creditor's claim are reserved and will be filed
22 after the creditor has filed a proof of claim. In the opinion of the debtor, the collateral has the
23 replacement value indicated below.

24
25 1. Debtor filed a voluntary petition under Title 11 Chapter 13 of the U.S. Bankruptcy Code on
September 23, 2009.

26 2. Debtor owns certain real property located in Clark County, more precisely described as:

27 6815 Pleasantville Ct., Las Vegas, NV 89149,
28 2nd Mortgage on real property

3. Name of the creditor whose collateral is being valued by this motion: Wells Fargo.

4. Wells Fargo has not filed a Proof of Claim for their junior mortgage interest on the Debtor's Property. Debtor's credit report indicates a balance of collateral in the amount owed to and the name of all creditors holding liens or security interest senior to the lien or security interest of the above-named creditor:

<u>Name of Creditor</u>	<u>Amount of Claim</u>
Claim No. 1	
Account# 4263	
Senior Lienholder	\$279,260.75
Wells Fargo	
PO Box 10335	
Des Moines, IA 50306	
Claim No. 2	
Account # 8556	
Junior Lienholder	\$71,511.72
Wells Fargo	
1 Home Campus	
Des Moines, IA 50328	

5. Debtor's opinion of the exempt property's "replacement value" [as defined and limited by section 506(a)(2)]: \$166,000.00

In support of this valuation, an appraisal conducted and provided on September 11, 2009 as Exhibit "A".

6. Accordingly, Wells Fargo's junior lien (Claim No. 2) is wholly unsecured and has no value as a secured claim inasmuch as the value of the Property is less than the claim amount of the senior lien.

WHEREFORE, the Debtor respectfully prays that this Honorable Court enter an order finding that the junior lien (Claim No. 2) is wholly unsecured and not subject to protection under 11 U.S.C. § 1322(b)(2); and that the junior lien be "stripped off"; and determining that claim No. 2 be treated as a general unsecured claim; and granting such other relief as is fair and equitable.

1 We declare under perjury under the laws of the State of Nevada that the foregoing is true and
correct.

2 Dated: November 3, 2009

/s/ Brandon Hollis

3 s/ Kimberlee Hollis

4 Debtors

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7 Respectfully,

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13 **CERTIFICATE OF MAILING**

14 I HEREBY CERTIFY that on the November 6, 2009, I served a true and correct copy of the
15 foregoing MOTION TO STRIP OFF JUNIOR LIEN by depositing a copy in the United States Mail at
16 Las Vegas, Nevada, certified mailing postage fully prepaid, addressed to:

17 WELLS FARGO HOME MORTGAGE
18 MARK C. OMAN, President
19 1 HOME CAMPUS
DES MOINES, IA 50328
20 MAX #X2302-04C

21 The following persons were served by electronic transmission:

22 BANKRUPTCY TRUSTEE
KATHLEEN LEAVITT
23 201 Las Vegas Blvd. So. #200
Las Vegas, NV 89101

24 US TRUSTEE OFFICE
25 300 Las Vegas Blvd., South Suite 4300
Las Vegas, Nevada 89101
26 USTPREGION17.LV.ECF@usdoj.gov
27
28

1
2 DATED November 6, 2009
3

4 Respectfully,

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7 RYAN STIBOR
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